

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

<b>DUSTIN LEE HUTCHINS,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-24-948-JD</b>
	)	
<b>CARRIE BRIDGES,</b>	)	
	)	
<b>Respondent.</b>	)	

**REPORT AND RECOMMENDATION**

Petitioner, a state prisoner proceeding pro se, filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. Doc. 1. United States District Judge Jodi W. Dishman referred this matter to the undersigned Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1)(B)-(C), Doc. 3, and the undersigned now considers Petitioner’s application for leave to proceed in forma pauperis (“IFP Motion”), Doc. 5.

**I. Analysis**

Petitioner’s IFP Motion includes a statement from the prison official and a certified copy of his institutional accounts reflecting that Petitioner had \$94.14 in his institutional accounts as of September 5, 2024. Doc. 5. The undersigned finds that Petitioner is financially able to prepay the \$5.00 filing fee for this proceeding. Because Petitioner has not shown that he qualifies for authorization to proceed without prepayment of the filing fee, Petitioner’s IFP Motion should be denied. *See Lister v. Department of the Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005) (noting that “to succeed on a motion to proceed IFP,

the movant must show a financial inability to pay the required filing fees”); 28 U.S.C. § 1915(a)(1).

## **II. Recommendation and Notice of Right to Object**

For the foregoing reasons, the undersigned recommends that the Court **DENY** Petitioner’s IFP Motion, Doc. 5. The undersigned further recommends that if Petitioner does not pay the \$5.00 filing fee in full to the Clerk of this Court within 21 days of any order adopting this Report and Recommendation, this action be dismissed without prejudice to refiling. LCvR 3.3(e).

Petitioner is advised of his right to object to this Report and Recommendation. *See* 28 U.S.C. § 636. Any objection must be filed with the Clerk of this Court by November 18, 2024. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Failure to object timely to this Report and Recommendation waives the right to appellate review of the factual and legal issues addressed in this Report and Recommendation. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation does not dispose of all issues referred to the undersigned Magistrate Judge in this matter.

**ENTERED** this 28<sup>th</sup> day of October, 2024.

  
CHRIS M. STEPHENS  
UNITED STATES MAGISTRATE JUDGE